

Treated Wood Waste

February 27, 2006

§ 67386.1 Scope

- (a) This article provides an alternative set of management standards in lieu of Health and Safety Code, Chapter 6.5 requirements and implementing regulations as hazardous wastes under chapters 11, 12, 14, 15, 16, 18, and 20 through 22 of this division for a person managing treated wood waste (TWW). All other chapters of this division apply.

§ 67386.2 Applicability

- (a) This article applies only to TWW that is a hazardous waste solely due to the presence of preservatives regulated under Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA);
- (b) The following materials are not eligible for alternative management options for TWW and are subject to regulation as hazardous waste:
- (1) wood subject to regulation as a hazardous waste under the federal act;
 - (2) wood subject to Health and Safety Code Section 25143.1.5;
 - (3) wood that is hazardous due to the presence of coatings, paint, or other treatments that are not regulated under FIFRA;
 - (4) wood that is burned, recycled, reclaimed, or reused, except as managed in accordance with the applicable requirements of chapter 6.5 of the Health and Safety Code;
 - (5) TWW that is designated to be reused, but not in compliance with current FIFRA regulations; and
 - (6) TWW that is designated to be burned.

Is the applicability consistent with Health and Safety Code section 25150.7?

§ 67386.3 Prohibited Activities

(a) TWW managed in accordance with the alternative management standards of this article shall not be:

- (1) burned;
- (2) scavenged;
- (3) mixed with other wood waste prior to disposal;
- (4) stored in contact with the ground;
- (5) reused, reclaimed, or recycled, with or without treatment, unless the reuse is consistent with the currently approved use of the preservative with which the wood has been treated;
- (6) treated except in compliance with section 67386.8; and
- (7) disposed to land except in compliance with section 67386.9.

(b) Any label or mark that identifies the wood waste as TWW shall not be intentionally removed, obliterated, defaced, or destroyed prior to disposal in a landfill.

Are the prohibited activities consistent with Health and Safety Code section 25150.7?

§ 67386.4 Definitions

The definitions set forth in section 66260.10 of this division shall apply unless otherwise defined. The following definitions shall apply to the terms used in this article:

“Agent” means a person hired by a generator for the removal, collection, or transportation of TWW.

“Resizing” means the minimal cutting, breaking, or sawing to facilitate transport, but does not include planing, grinding, chipping, sanding, shredding, mulching, or other mechanical handling or any treatment.

“Treated wood” means wood that has been treated with a chemical preservative for purposes of protecting the wood against attacks from insects, microorganisms, fungi, and other environmental conditions that can lead to decay of the wood and the chemical preservative is registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136 and following).

“TWW” means “Treated Wood Waste.”

“TWW consolidation site” means a site to which TWW initially collected at a TWW remote site is transported.

“TWW remote site” means a site operated by the generator where TWW is initially collected, at which generator staff, other than security staff, is not routinely located, and that is not contiguous to a staffed site operated by the generator of the TWW or that does not have access to a staffed site without the use of public roads. Generator staff who visit a remote location to perform inspection, monitoring, or maintenance activities on a periodic scheduled or random basis, less frequently than daily, are not considered to be routinely located at the remote location.

“Unit” means a pile, stack, container, bundle, or other discernable aggregation of TWW.

Are other definitions needed?

§ 67386.5 Labeling

(a) TWW generated, accumulated, stored, or transported within California shall be conspicuously labeled. The person controlling the TWW shall ensure that each unit is labeled. In order to clearly indicate the nature of the waste to the receiving party and/or any observer, the TWW shall be labeled or marked with the following:

“TREATED WOOD WASTE – Potential health hazard if mishandled. Do not burn or scavenge. California State Law prohibits improper disposal. If found contact the nearest police or public safety authority, or the California Department of Toxic Substances Control at (800) 698-6942.

Generator Name and Address: _____

Accumulation Date: _____

Manifest Document Number: _____”

(b) The generator of TWW, managed in accordance with the alternative management standards of this article, shall label each unit of TWW and ensure that labels are maintained in compliance with the requirements of subsection (a).

(1) When a generator hires another party for the removal, collection, and/or disposal of TWW, both the generator and the hired party are responsible for complying with the requirements of this section.

(c) The transporter of TWW, managed in accordance with the alternative management standards of this article, shall ensure that labels are maintained in compliance with the requirements of subsection (a) during transport.

Should label specifications be included such as font, label size color, etc.?

Should additional warnings or prohibited activities be included on the label?

Is there alternative method to communicate this information?

§ 67386.6 Accumulation

(a) TWW material shall be maintained in a manner that prevents unauthorized access and minimizes release to the environment.

(1) Unauthorized access shall be prevented by means of visual control or a physical barrier when not under the direct control of the person responsible for the TWW.

(2) Release to the environment may be minimized by one of the following:

(A) Block and Tarp:

The TWW shall be accumulated such that;

(i) TWW is elevated to prevent contact with the soil and protect from reasonably foreseeable run-on; and

(ii) TWW is covered to protect from precipitation; or

(B) Containerize:

The TWW shall be accumulated in containers that are;

(i) designed, constructed, maintained, filled, its contents so limited, and closed, so that under conditions normally incident to handling, there will be no identifiable release of TWW materials or its constituents to the environment; and

(ii) water-resistant if exposed to precipitation, run-on or run-off under reasonably foreseeable conditions; or

(C) Storage Building:

The TWW shall be accumulated in a structurally sound building with a water-resistant floor and designed to prevent the movement of water into or out of the building; or

(D) Containment Pad:

The TWW shall be accumulated on a containment surface such that;

(i) TWW does not contact soil;

(ii) TWW is protected from reasonably foreseeable run-on; and

(iii) TWW is covered to protect from precipitation.

TWW managed in accordance with subsection (D) may be accumulated uncovered if the containment surface is designed and operated to contain all precipitation and the resulting water is managed in accordance with all applicable laws and regulations.

(b) When a generator hires another party for the removal, collection, and/or disposal of TWW, both the generator and the hired party are responsible for complying with the requirements of this section.

(c) A person shall not accumulate TWW for more than 90 days.

(d) A person accumulating TWW for more than fourteen (14) days shall ensure, on a weekly basis, compliance with the labeling and accumulation requirements pursuant to

§67386.5 and §67386.6(a). A written record of inspections shall be kept for a period of three years and available for review upon request by the Department, the USEPA, or the Certified Unified Program Agency.

(e) A business handling TWW shall provide training for employees. A record of the training shall be maintained for a period of three years and available for review. The training shall include:

- (1) All applicable requirements of the California Occupational Safety and Health Act of 1973 (Chapter 1 (commencing with § 6300) of Part 1 of Division 5 of the Labor Code), including all rules, regulations, and orders relating to hazardous waste;
- (2) procedures for identifying and segregating TWW;
- (3) safe handling practices;
- (4) requirements of the alternative management standards; and
- (5) proper disposal methods.

How is TWW being currently managed to meet the statutory requirement: “prevent run-on, and run-off”, “placed on a surface sufficiently impervious to prevent contact and any leaching to soil or water” “to the extent practical”?

Are there other options that should be included in subsection 67386.6(a)(2)?

Does the 90 days in subsection (c) provide adequate time for the accumulation of TWW?

Should we revert to a performance standard based on the statutory language?

§ 67386.7 Transportation

(a) A person managing TWW shall comply with the following requirements:

(1) Generator requirements;

(A) Identification number:

A person that generates TWW shall obtain an Identification Number, except as provided in subsection (a)(1)(D).

(i) A generator shall not accumulate, transport or offer for transport, TWW without having received an Identification Number.

(ii) A generator who has not received an Identification Number may obtain one by applying to the Administrator or to the Department using EPA form 8700-12 (Revised 12/99). Following receipt of the request, the generator will be assigned an identification number.

(B) Manifest:

A person that generates TWW shall comply with the manifesting requirements in article 2 of Chapter 12 of this division except as provided in subsection

(a)(1)(D);

(C) TWW consolidation:

A person who initially collects TWW at a remote site and transports that TWW to a TWW consolidation site operated by the generator shall be exempt from manifesting requirements of subsection (a)(2) if all the following conditions are met;

(i) The hazardous waste is transported by generator, employees of the generator or by the generator's agent.

(ii) A shipping paper containing all of the following information accompanies the TWW while in transport:

(1) The quantity of TWW being transported;

(2) The location of the remote site;

(3) The date that the generator first begins to accumulate, the date that the shipment leaves the remote site, and the date that the shipment arrives at the consolidation site;

(4) The name, address, and telephone number; and

(5) The name of the individuals who transport the TWW from the remote site to the consolidation site.

(D) Household exemption:

Household generated TWW may be transported by a resident of that household without a TWW manifest or an Identification number if the TWW is shipped directly to an approved disposal facility; and

(E) When a generator hires another party for the removal, collection, and/or disposal of TWW, both the generator and the hired party are responsible for complying with the generator requirements of this section.

(2) Transporter Requirements:

(A) Hazardous waste hauler:

A transporter of TWW shall comply with the hazardous waste hauler requirements in article 1 of Chapter 13 of this division.

(B) Hazardous waste manifest:

A transporter of TWW shall comply with the manifesting requirements in article 2 of Chapter 13 of this division.

(C) Hazardous waste discharges:

In the event of a discharge of treated wood waste during transportation, a transporter of TWW shall comply with the discharge requirements in article 3 of Chapter 13 of this division.

(3) Consolidated TWW manifest requirements:

(A) A transporter shall comply with the transporter registration requirements of subsection (a)(2)(A);

(B) In lieu of subsection (a)(2)(B), transporters and generators of TWW meeting the conditions in this section may use the consolidated manifesting procedure set forth in Health and Safety Code section 25160.2(b) to consolidate shipments of TWW collected from multiple generators onto a single consolidated manifest

(4) Landfill requirements:

(A) A landfill that receives a shipment of TWW shall comply with the requirements of Sections 66265.71 and 66265.72 of this division.

Would alternative tracking mechanisms such as asbestos waste shipment records, or the used/waste tire manifest program be appropriate for TWW?

Describe how the generator and DTSC will be assured that treated wood waste was properly disposed?

§ 67386.8 Treatment

(a) Resizing is exempt from the permitting requirements of this division. When resized to facilitate transport, the TWW shall be:

- (1) handled in a manner that prevents the uncontrolled release of hazardous constituents to the environment; and
- (2) If size reduction results in TWW material smaller than one cubic inch, the TWW shall be accumulated and transported in a container that meets the requirement of section 67386.6(a)(2)(B).

(b) Sorting and segregating are both exempt from the permitting requirements of this division. The TWW shall be:

- (1) handled in a manner that prevents the uncontrolled release of hazardous constituents to the environment.

(c) A business performing resizing of TWW shall provide training for employees. A record of the training shall be maintained for a period of three years and available for review. The training shall include:

- (1) All applicable requirements of the California Occupational Safety and Health Act of 1973 (Chapter 1 (commencing with § 6300) of Part 1 of Division 5 of the Labor Code), including all rules, regulations, and orders relating to hazardous waste;
- (2) procedures for identifying and segregating TWW;
- (3) safe handling practices;
- (4) requirements of the alternative management standards; and
- (5) proper disposal methods.

Is there a better method to determine what should be containerize in subsection (a)(2)?

What other physical activities may be necessary to facilitate the disposal of TWW?

§ 67386.9 Standards for disposal of TWW

(a) When disposed to land, TWW shall be disposed in either a Class I hazardous waste landfill, or in a composite-lined portion of a solid waste landfill unit that meets all requirements applicable to disposal of municipal solid waste in California after October 9, 1993, and that is regulated by waste discharge requirements issued pursuant to Division 7 (commencing with § 13000) of the Water Code for discharges of designated waste, as defined in § 13173 of the Water Code, or TWW.

(b) A solid waste landfill that accepts TWW shall comply with the following requirements:

- (1) Comply with the prohibitions in § 67386.3 for handling TWW;
- (2) Ensure that any management of the TWW at the solid waste landfill prior to disposal complies with the applicable requirements of this article;
- (3) Monitor the composite-lined portion of a landfill unit at which TWW has been disposed. When a release is verified, cease discharge of TWW to that landfill unit until corrective action results in cessation of the release. The landfill shall notify the department that TWW is no longer be discharged to that landfill unit and again when corrective action results in cessation of the release; and
- (4) Handle TWW in a manner consistent with all applicable requirements of the California Occupational Safety and Health Act of 1973 (Chapter 1 (commencing with § 6300) of Part 1 of Division 5 of the Labor Code), including all rules, regulations, and orders relating to hazardous waste.

Are the disposal requirements consistent with Health and Safety Code section 25150.7?